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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.            | CONFIRMATION NO. |
|---|-------------|----------------------|--------------------------------|------------------|
| 10/743,890  | 12/22/2003  | Roger F. Joyce       | BIL100037000                   | 1677             |
| 22891 7590 02/20/2007<br>LAW OFFICE OF DELIO & PETERSON, LLC.<br>121 WHITNEY AVENUE<br>3RD FLLOR<br>NEW HAVEN, CT 06510 |             |                      | EXAMINER<br>KWIECINSKI, RYAN D |                  |
|   |             |                      | ART UNIT                       | PAPER NUMBER     |
|   |             |                      | 3635                           |                  |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 02/20/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/743,890

Applicant(s)

JOYCE ET AL.

Examiner

Ryan D. Kwiecinski

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-15 is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

Applicant's amendment received December 4, 2006 has been entered and considered.

### ***Response to Amendment***

The amendments to claims 1 and 9 have overcome all prior rejections of the Office Action issued on October 20, 2006.

Applicant's arguments, see Page 11, line 11 – page 12, filed December 4, 2006, with respect to the rejection(s) of claim(s) 5 under 35 USC § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 5,428,925 to Snyder in view of US 5,749,182 to Vavrinak.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,428,925 to Snyder in view of US 3,103,996 to Wyatt Jr.**

**Claim 1:**

Snyder teaches a polymer composite basement door comprising:

a polymer composite (Column 4 line 38) frame (10, Fig. 1) positioned on a foundation surrounding an opening (20, Fig. 1) adjacent a building structure (22, Fig. 1), the frame having opposed triangular sidewalls (12, 14, Fig. 1) having a base (26, Fig. 1), vertical leg (vertical portion of side wall adjacent 22, Fig. 1), upper sloping surface (16, Fig. 1), end and inner and outer walls (Fig. 1) and a header plate (sloping portion of top adjacent 22, Fig. 1) connecting each sidewall, with the header plate and vertical leg adjacent the building structure (Fig. 1);

one or more polymer composite door leafs (40, 50, Fig. 1) hinged to the sidewalls (42, 44, Fig. 1) for movement between an elevated open position providing access to the opening and a closed position covering the opening (Shown open and closed in Fig. 1).

Snyder does not teach a polymer composite basement door comprising one or more through openings in one or both of the sidewalls; and one or more inserts in the through opening.

Wyatt Jr. teaches a basement door comprising one or more through openings (openings in sidewall in Fig. 1) in one or both of the sidewalls (10, 12, Fig. 1) and/or door leafs or other door assembly component; and one or more inserts in the through opening (louvers in the openings).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have created a polymer composite door with one or more

Art Unit: 3635

through openings with inserts if such openings and inserts in the design provided a source for ventilation, light, and/or security means.

**Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,428,925 to Snyder in view of US 5,749,182 to Vavrinak in view of US 2,174,989 to Lyons.**

**Claim 5:**

Snyder teaches a polymer composite basement door comprising:

a polymer composite (Column 4 line 38) frame (10, Fig.1) positioned on a foundation surrounding an opening (20, Fig.1) adjacent a building structure (22, Fig.1), the frame having opposed triangular sidewalls (12, 14, Fig.1) having a base (26, Fig.1), vertical leg (vertical portion of side wall adjacent 22, Fig.1), upper sloping surface (16, Fig.1), end and inner and outer walls (Fig.1) and a header plate (sloping portion of top adjacent 22, Fig.1) connecting each sidewall, with the header plate and vertical leg adjacent the building structure (Fig.1);

one or more polymer composite door leaves (40, 50, Fig.1) hinged to the sidewalls (42, 44, Fig.1) for movement between an elevated open position providing access to the opening and a closed position covering the opening (Shown open and closed in Fig.1).

one or more accessible through openings in the base for fastening the base to the foundation and one or more accessible through openings in the legs for fastening the leg to the structure or to an extender.

Snyder does not teach the through openings in the base to be elongated longitudinal slotted through openings and he also does not teach through openings in the legs for fastening the leg to the structure or to an extender.

Vavrinak teaches elongated longitudinal through openings in a flange secured to a foundation (A, Fig.1).

Lyons teaches one or more accessible through openings in the legs (holes on 22, Fig.1) for fastening the leg to the structure or to an extender.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the through openings in the base of the basement door to be elongated longitudinal slotted through openings in order to provide leeway in the longitudinal direction for the installation of the fasteners as well as the movement of the basement door itself. Using elongated openings in flange mounts to foundations is well known in the art.

It is also obvious to one of ordinary skill in the art at the time the invention was made to have used the same technique in securing the base to the foundation as one would in securing the vertical legs to the building. Securing the basement door to the building structure with the use of through openings and fasteners is notoriously well known in the art.

***Allowable Subject Matter***

**Claims 2-4, and 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

**Claims 9 –15 are allowed.**

The following is an examiner's statement of reasons for allowance:

**Claims 9-10:**

The combination of a polymer composite door frame with triangular sidewalls, one or more polymer door leafs, and a U-shaped header plate with a left and right arm is not taught or adequately suggested in the prior art of record.

**Claims 11-14:**

The combination of a polymer composite door frame with triangular sidewalls, one or more polymer door leafs, and vertical and horizontal extension members is not taught or adequately suggested in the prior art of record.

**Claims 15-20:**

The combination of a polymer composite door frame with triangular sidewalls, one or more polymer door leafs, one or more through openings with inserts in the sidewalls/door leafs, accessible elongated through openings in the base and legs,

Art Unit: 3635

and a U-shaped header plate is not taught or adequately suggested in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

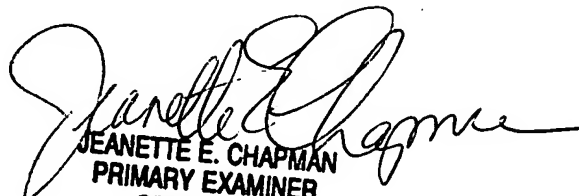
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Kwiecinski whose telephone number is (571)272-5160. The examiner can normally be reached on Monday - Friday from 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571)272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
RDK

  
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